THE Nº. 156.

MARYLAND GAZETTE.

Containing the freſheſt Advices, Foreign and Domeſtic.

WEDNESDAY, *April* 20, 1748.

… quid falſi dicere audeat, ne quid veri dicere non audeat.
THUCYD.

Mr. GREEN,

WHAT grave and moral Writer *Thucydides* adviſes never to have the Courage to advance a *Falſhood*, yet at the ſame Time to have Courage enough to aſſert any *Truth*. We have an *Engliſh* Proverb, which ſeems, at firſt Sight, to contradict this; *viz. Truth ought not to be ſpoke at all Times*; but I think they both juſt, and may be eaſily reconciled, if the former be …oſed ſpoken of Matters that concern the Public, and the …, taken as a prudent Maxim, fit to be obſerved in private …

This Diſtinction, which will be found to have it's Foun… in Reaſon, ought to be conſider'd, by thoſe who charge *…freholder* with having been too ſevere: The Truth, Juſ… and Exactneſs of his Painting, none have denied; every …knew his Neighbour's Picture as well as his own; it ſeems …were all drawn ſo much to the Life, that there was no Oc… for writing the Names at the Bottom. The only Queſti… is, Whether it was neceſſary for the *public Good*, to lay certain Characters in their true Colours, to prevent the …'s being impoſed upon by ſuch for the future? The Wri… theſe Letters conceiv'd it was; neither has he advanced a Step further than this Neceſſity ſeem'd to require. Truth always to be the Standard, and public Utility the Boun… of all *pointed* Repreſentations; while theſe Rules are ob…, there can be no juſt Room for Cenſure: If they are through, the Author will be chargeable with Falſhood, …vate Picque, accord ng to his Offence. Let this be the …f judging betwixt the *Freeholder* and the Writer that ſub… himſelf *A Native of Maryland*, making ſome ſmall Al… for human Frailty, where a great deal of Provocation …n received. If none but *Knaves, Sharpers, Incendiaries, …n of deſperate Fortunes*, or *Fools* drove on by ſuch, are …d in Oppoſition to the Meaſures he undertakes to vindi… If they are nothing but a Parcel of *Mobbers*, with a *Wat* …at their Head, as has been ſtrongly inſinuated, then this … has been guilty of neither Falſhood nor Scurrility. And … Freeholders Characters be equally chymerical and …, if, out of a *furious Party Spirit*, he has *traduced* and …iated, and endeavoured to ſtir up the People to *civil* …nd *Bloodſhed*, let his Behaviour be juſtly branded with *…avage, cruel, and ſcandalous*; if he, or any of theſe the ſame Side of the Queſtion, have been guilty of a …AL ADMINISTRATION OF JUSTICE to forward their … or to promote their own *avaricious Views*, then let the … be accounted another MR. ADDISON, agreeable to his …arallel; let his Party be accounted the *true Freinds* of …, and their Opponents, the *reſtleſs and ambitious Faction*. …n the contrary, if all theſe Inſinuations have their Foun… in down-right Falſhood and Defamation, it is but reaſon… he Saddle ſhould be laid upon the right Horſe's Back: …ver, I am extremely glad that the Management of the …e Side of the Queſtion is undertaken, becauſe, by this … the Public will have an Opportunity of examining the …ents of both Sides; for I deſire nothing more than that … may appear, wherever it lies: So, without further Pre… I reſume my Subject.

…VING, in former Letters, endeavoured to prove, that …*Power* as is contended for in County Courts is inconſiſt… …h the hereditary Rights of *Britiſh Subjects*, ſecured to … the *Britiſh Conſtitution*; I proceed now to what I pro… …n my laſt, which was, to explain the *Act of Aſſembly* …whence this *Power* is claim'd; and, in doing this, I hope … be able to ſatisfy every unprejudiced and ſenſible Man, …e *Legiſlature*, neither in this Act, nor in any other, hath …d the leaſt Grounds to imagine that they ever intended …e an unlimited Power of taxing the People in County …

I SHALL begin with obſerving, that County Juſtices in *England* have but very little Power of levying upon the People lodg'd in them, and even that little is put under the ſtricteſt Regulations and Reſtraints. The principal Power of this Sort is given by the 43d Statute of Queen *Elizabeth*, where a Proviſion is made for the Poor; and there the Juſtices are limited to a certain Sum: They ſhall not aſſeſs any Pariſh above Sixpence per Poll, and one Pariſh conſider'd with another not above Twopence, through the whole County. Beſides this, the ſame Act that gives them a Power to raiſe this Money, appropriates it. The Wiſdom and Prudence, as well as the Reaſon, of this Proceeding muſt be evident to every Man, who has duly conſider'd our *Conſtitution*, and the many dangerous Conſequences that might attend any conſiderable Share of Power over the Purſes of the People being lodg'd in any Set of Men appointed by the Government. It is with Pleaſure I have remark'd the ſame cautious Proceeding in ſeveral of our Acts of Aſſembly; as in that *For the Eſtabliſhment of Religious Worſhip*, &c. in Page 21, of the Body of Laws; there the Juſtices are impowered to aſſeſs for the Reparation of Churches, *&c.* but they cannot do this, unleſs the *Veſtry* makes Application; and even then they are limited to ten Pounds of Tobacco per Poll, through the Pariſh. Their Care of the People's Money went yet further, to prevent any *Jobbing* or *Miſapplication* of this public Revenue without Redreſs, the ſame Law intitles every Pariſhioner to a Sight of the Regiſter Accounts; and if he thinks himſelf or the Body of the Pariſh injur'd, there lies an Appeal to the Governor and Council. It would be tedious to run through *every* Act of Aſſembly which might be cited to this Purpoſe, it will be ſufficient to aſſert in general, that wherever the Legiſlature has given Courts a Power to raiſe or diſpoſe of the People's Money, they have for the moſt part *limited* them to a Sum, and always expreſsly appropriated it; the Allowances to Grand Juries, Petit Juries, Witneſſes, Provincial and County Juſtices, are all plain Inſtances of it: But when thoſe of the oppoſite Side of the Queſtion are preſs'd with Arguments of this Sort, they reply, that it is very true, County Courts are limited in many particular Inſtances, but by the expreſs Words of the *Act* in Diſpute, they are left at large in every Thing elſe. Not ſo much at large neither, as they may perhaps imagine; however as they are limited to no Sum, nor tied down to any Appropriation of what may be raiſed, by the Power given *by this Law*, I ſhall grant it is an Exception from the general Method obſerved by the Legiſlature; and I ſhall endeavour to account for, and ſhew the true Deſign of it preſently. In the mean time, I muſt beg Leave to propoſe a few Queſtions, which thoſe againſt whom I am reaſoning would do well to conſider. For what End, pray, were County Courts limited in theſe particular Inſtances? Was it not to ſecure the Property of the Subject, and prevent Oppreſſion? But how could this valuable End be obtained, by reſtricting the *Juſtices* in ſeveral Particulars, whilſt they are left at Liberty to tax what they pleaſe in every Thing elſe? Would it not be a mere Farce, to reſtrain County Courts to 10 *lb.* Tobacco per Poll for *parochial Charges*, and leave them at large to aſſeſs 10,000 *lb.* Tobacco per Poll, for whatever they pleaſe to call *public Charges*? For what avails it to any Man, to have his Property well guarded as a *Member* of a Pariſh, if it is left expoſed as a *Freeholder* of a County? Were theſe Gentlemen to give themſelves Time coolly to weigh the Importance of theſe Queſtions, it might be of Service to lead them a little into the Reaſon of the Law; it might make them leſs poſitive and dogmatical in pronouncing a Law to be *clear and explicit*, in granting a Power directly contradictory to a fundamental Part of the *Britiſh Conſtitution*, and contrary to the Tenor and Scope of all *Britiſh Laws* whatever, whether Acts of Parliament or Acts of Aſſembly.

BUT it is now Time to conſider the Words of the *Act* itſelf; and firſt I ſhall lay it down as a Maxim acknowleged by Lawyers, that where the Words of any Law will admit of two Senſes,

Senſe, that Senſe is to be preferred which is moſt in favour of *Liberty*; tho' I fancy there will be little Occaſion for it in the preſent Caſe, for, if I am not much miſtaken, it will not be difficult to ſhew, that however general and indefinite the Expreſſions may ſeem to the Inadvertent, they have nevertheleſs a limited Signification, that it is only under certain Circumſtances County Courts are impowered *by this Act* to levy upon the People, and that the Tax in Diſpute was not impoſed under the Circumſtances requir'd, and conſequently not warrantable by that Law. By *this Act* County Courts are impowered, *upon Examination had before them of the public Charges of their ſeveral and reſpective Counties, and Allowances by them made of the ſame, to levy and raiſe Tobacco for Payment and Satisfaction of the ſeveral and reſpective County Charges.* Theſe are the Words upon which the extraordinary Order of Court is founded: Now I think it will appear to every one that conſiders this Clauſe with due Attention, that it gives the Juſtices no Power to raiſe a ſingle Pound of Tobacco upon the People for any Thing, but for Work already done, *Charges* or *Accounts* exhibited, *examined, and allowed of* by the Court: If this ſhould prove to be the Caſe, the diſputed Order of Court muſt be illegal, at leaſt, not warrantable by that Law (and they pretend to no other); becauſe the Tax it impoſes was previous to any Work done, or ſo much as any Agreement made. To clear up this Point, the only Thing neceſſary is to determine what ought to be underſtood by the Phraſe *Public Charges*; and in my Opinion, were there any Ambiguity in the Phraſe, taken by itſelf, which I think there is not; yet, if it be conſider'd as connected with what immediately goes before and follows after in the ſame Sentence, nothing can be more evident than that it ſignifies Charges or Accounts brought againſt the Public for Services already done the Public. For Courts to examine ſuch public Charges, to make *Allowances* of them, and to levy and raiſe Tobacco for the *Payment* and *Satisfaction* of them, is good Senſe, and eaſily underſtood. But, let the Phraſe *Public Charges* be taken in any other Senſe, and I defy any Man to make any Thing but Nonſence of the Sentence, as it ſtands in the Act. But ſome will be ready to ſay, that if it be granted County Courts have a Power *by this Act* to raiſe any Sum by Tax, which they think proper to allow for Work already done, it makes no great Difference to the People whether the Money be raiſed before or afterwards. To this I anſwer, firſt, that the Queſtion is not, what Difference it makes to the People, but what is the Nature of that Power given by the Law, and whether the Order of Court was made agreeable to it or not: This is the only Point in Diſpute, and therefore any ſuch Objections are altogether from the Purpoſe. But to ſhew thoſe that talk in this Manner, that the Difference to the People is not ſo trifling as they may imagine, I will make them another Anſwer, and aſſert, that in this very Reſtriction conſiſts the whole Security the People have from the Abuſes that might be committed by this Law. For it is plain, that nothing conſiderable can ever be ſafely undertaken on the Foundation of it, in the Senſe explain'd, becauſe the Undertaker muſt firſt do the Work, and then bring in his Charge; which muſt be *examined* and *allowed* by the Juſtices, before they can levy for the Payment of it. Now the Riſque in this Caſe is ſo great, that no prudent Man would ever chooſe to run it, in a Matter of any Importance: The ſame Juſtices that encouraged him to do the Work, might take it into their Heads to clip his Account unreaſonably; nay, one or two new Magiſtrates might turn the Scale, and create a Majority againſt the Service, and diſallow the whole. Inſtances might be produced of both theſe happening, which will be always a ſufficient Diſcouragement from taking conſiderable Jobbs in hand upon ſuch a precarious Footing.

FROM hence it appears, that the Power lodged in County Courts by this Act, to levy upon the People, was only intended for the Payment and Satisfaction of ſmall Charges, which, by the Method directed, are ſuppoſed to be ſo evidently juſt and neceſſary, that no Court whatever would refuſe to allow them; and at the ſame Time ſo very ſmall and inconſiderable, that no Man would ſcruple to run the Riſque of it. Nothing is more to be regarded in Laws, than the Intention of the Legiſlature in making them; if this can be clearly diſcover'd, any Conſtruction that may be made of the Letter in Contradiction to the Intention, is never of any Weight with the Judges of Law: Now the true Deſign of this Law will be further evident, if it be conſider'd, that all Things of any Conſequence to be done at the Expence of the Public, ſo far as the Legiſlature thought fit to leave them to the Direction of Courts, are particularly mentioned in different Acts of Aſſembly, and effectual Methods for the Performance of them directed: In every one of thoſe Courts are limited to a Sum, or to an expreſs Appropriation it, for the moſt part in both, as has been already hinted. the Legiſlature, foreſeeing that ſeveral Occurrences might pen in Counties, which would be difficult or tedious to rate, thought proper to lodge in County Courts a general cretionary Power, to judge of ſmall petty Charges on thoſe caſions, and to levy for the Payment of them, in caſe they pear to be reaſonable; and this ſeems to be the plain Intent the Act. *De minimis non curat Lex*, is a known Maxim Law: The Legiſlature knew very well, that nothing but ſ Matters, nothing but Things undeniably juſt and neceſ could be ſafely undertaken upon the Foundation of this A therefore they thought their uſual Cautions unneceſſary on Occaſion, no conſiderable Damage could ever be done the Co munity while it was ſtrictly obſerv'd, and as for trifling Inc veniences, *De minimis non curat Lex.*

THUS I have endeavour'd to explain the true Meaning this controverted Act, and, I hope, ſhewn, to the Conv of every unprejudiced Man, that it gives no Power to Co Courts to raiſe a ſingle Pound of Tobacco (far leſs one hund thouſand) upon the People, unleſs it be to diſcharge Accou actually brought againſt the Public for paſt Services; and m from the Nature and Circumſtances of the Thing, this Po could never be intended by the Legiſlature to extend furth than to provide for the Payment of ſmall Charges. They c tainly could never conjecture, that a Court which has no Po er to hold Cognizance of a Sum of above thirty thouſand Pou of Tobacco, would ever claim a Power by this Law to levy hundred thouſand: Surely levying one hundred thouſand a ding Cognizance of a Sum above thirty thouſand, and co quently exceeding their Juriſdiction. It is mere Quibbli ſay, that this Limitation of County Courts Juriſdiction is with reſpect to Actions of *Mean* and *Tuum*; for where d find any ſuch Diſtinction made? and as this Sum was levi one Service, the Public in this Caſe is but as one Man.

NOW what will it avail in anſwer to all that has been ſa tell us, that Inſtances may be produced of conſiderable having been levyed by County Courts, previous to any Se done, when they had no other Law than the Act in Diſp ſupport them in it. Suppoſing the Fact true, what fol Will one illegal Act vindicate another? Thoſe who rem this Manner ought to remember the Rule, *a facto ad j datur conſequentia.* If Money has been raiſed for Thing nowledged neceſſary, without Law, and wink'd at becau Man thought himſelf injured, will that vindicate an un dented Action, dangerous in its Conſequences, and unan complain'd of by above two Thirds of a County? No rea ble Man will ſay ſo. The Law is now Forty Years old, this is the firſt Time that ever any ſuch Power was pre to. I hope it will be the laſt. All other County Courts in Province have upon the like Occaſions, when they judg large a Sum neceſſary, apply'd to the Aſſembly for a parti Act impowering them to raiſe it. This is the regular, th the conſtitutional Method, this is the Method conſiſtent *Liberty.* For if this Law gives a Power to raiſe One hun thouſand Pounds of Tobacco, it gives the ſame to raiſe hundred Millions. I demand when does it ſtop? How is be controul'd? Should it be acknowledged that the Act gives County Courts this Power, no ſuperiour Court of J can controul them, even if they were inclin'd, becauſe it is Buſineſs only to declare what is Law; nothing leſs than an Act of the *Legiſlature* repealing the former could do it; all the Branches of the *Legiſlature* could not or would not about it, an unlimited Power of taxing muſt ſtill rema County Courts: And then inſtead of *rebuilding* Court Ho I can't ſee why they might not in Time build *Fortifications*, *Standing Armies*, levy *Ship Money*, or, in ſhort, raiſe any upon the People for whatever they thought proper to giv Title of publick Charges to. If any Man will ſhew me ſuch an Uſe might not be made of the *ample Power* con for, *erit mihi magnus Apollo.*

NOTHING I think will more properly conclude Subject, than to ſhew the Senſe of the *Legiſlature* in a T of the ſame Nature, and exactly parallel in all it's Circum ces to the preſent Caſe. It appears by * the printed Vote Proceedings of the Lower Houſe of Aſſembly for the 1739, that a Petition was preferred by the Juſtices, &c. of vert County, to the Houſe, *praying Leave to bring in a*

* Page 28.

brick the under Works of the Court-House, and to new shingle the same: This Petition was *read and granted*, but by some differences betwixt the Branches of the Legiſlature, there happened to be no ſeſſions that Year, nor the Year following; but the Year 1741, the Affair was brought on again, *and a Petition made to repair* Calvert *County Court-Houſe*, in conſequence of which, there was an Act paſſed into a Law, impowering three Commiſſioners named by the Aſſembly, together with the Juſtices of *Calvert* County, to repair the Court-Houſe of that County, by an Aſſeſſment of a Sum not exceeding five hundred Pounds current Money on the Inhabitants thereof. It appears by the Proceedings of the ſame Year, that the Aſſembly make it a Rule never to grant particular Acts for the giving any Power to do any Thing, when the ſame Thing may be done by the Laws in being. The Petition of one *Thomas Harris* was read and rejected, and the Reaſon given for it in the following remarkable Words; † *Foraſmuch as the Petitioner hath already ſufficient Reliefe made for him, by an Act of Aſſembly entituled*, &c. Would not this likewiſe have been a proper Anſwer to the Juſtices of *Calvert* County, had there been any Act then in being, which gave them a Power to do what they petition'd for? or rather the Gentlemen on the oppoſite Side of the Queſtion aſſert the *Native*, that an *ample Power* was really *lodged* in the Hands of the ſaid Juſtices *by as clear and explicit a Law as ever was made*; and yet the whole Legiſlative Body was ignorant of it? The Legiſlature ought I think, in *Modeſty*, to be ſuppoſed to underſtand the Power given in their own Acts beſt; but by what has been recited, it is plain they were of Opinion, that there was no ſuch Power as was petition'd for given in any former Act; and therefore they made one on purpoſe: Nay it appears they did not ſee fit to leave the Management of ſo much of the public Money entirely to the Juſtices, but thought proper to add ‡ three Commiſſioners of their own naming to them. Whether the enſuing Aſſembly will confirm the Opinion of their Predeceſſors in this Matter, or acknowlege the ſuperior Skill of the *Prince George's* County Juſtices, a little Time will determine.

The Court-Houſe of *Calvert* County ſtood two Years in Need of Repairs, after the Neceſſity of repairing it was acknowledged by the Lower Houſe of Aſſembly, from a ſuppoſed Want of Power to do it without a particular Act for the Purpoſe; the Repairs wanted were only to new-brick the under Works of the Court-Houſe, and new-ſhingle the ſame. But it is modeſtly ſuggeſted, that the enſuing Aſſembly, in direct Contradiction to the former Opinion of their own Body, will approve of what the *Prince George's* County Juſtices have done, and acknowlege that there has been a Law in Force theſe forty Years, which gives the County Courts a Power not only to new-brick the Under Works of the Court-Houſe, and new-ſhingle the ſame, but even to make a new Brick Wall round, and conſiderably higher it, or more properly to build it anew; and this too, upon ſuch a Footing as places an unlimited Power of Taxing the People in County Courts, which, as has been ſhewn, is a Grievance of a fundamental Part of the *Britiſh* Conſtitution.

A FREEHOLDER.

Votes and Proceedings, &c. for 1741, Page 430.

† *Ibid.* Page 422.

‡ To the Act: Mr. *Benjamin Mackall*, Mr. *Benjamin Hance*, Mr. *Richard Young*.

Mr. GREEN,

BEFORE the Thread of my Diſcourſe is reſumed, it may not be amiſs, for the Benefit of thoſe who have not acceſs to the Laws, to publiſh in your Paper the Act of Aſſembly, or rather that Paragraph of it, by which the Inhabitants of *Prince George's County* were ſo lately taxed for the Repairs of their Court-Houſe: The Neceſſity of which would have been anticipated, if Mr. *Freeman*, agreeable to his repeated Promiſes, had entered into an Conſideration of the Law; but that it ſeems has carefully been avoided, either as a Rock on which he was ſure to ſplit, or becauſe the Peace and Tranquility of a People was to him of leſs Importance than the Glory of diſplaying a little Learning in Self-Evidence. An Ambition commendable enough in a School Boy, but ſurely not altogether becoming the Friend and Champion of Liberty. At his firſt ſetting out he was pleaſed alſo to aſſume with an Expectation of having the Breaſts of the Majority laid open, and the private Views with which they acted unfolded; but in that too the Publick has been unhappily deceived; not more perhaps from the Difficulty of the Task, than to make Room for one of the moſt daring and inſolent Reflections that ever was caſt on any Country, by telling the ſupreme Magiſtrate and the repreſentative Body of the People that the former had appointed a Perſon Chairman of a Court of Juſtice, and the latter unanimouſly voted him worthy of the greateſt and moſt honourable Truſt in the Gift of the People, although he had the Misfortune of being both a Knave and a Fool. But of this at preſent I ſhall ſay no more. Having imbark'd in the Cauſe of injured Magiſtracy, and being determined not to be diverted therefrom by any Motive whatever, I ſhall come immediately to the Law, which to me appears a plain and full Vindication of their Conduct.

An Act impowering the Commiſſioners of the County Courts to levy and raiſe Tobacco, to defray the neceſſary Charges of their Counties and Pariſhes.

'BE it enacted, &c. That for the future it ſhall and may be lawful to and for the ſeveral and reſpective Commiſſioners of the ſeveral and reſpective County-Courts within this Province, at their ſeveral and reſpective County-Courts to be held for their ſaid Counties, upon Examination had before them of the publick Charges of their ſeveral and reſpective Counties, and Allowances by them made of the ſame, to levy and raiſe Tobacco for Payment and Satisfaction of the ſeveral and reſpective County-Charges, and the Sheriff's Salary for collecting thereof, by an equal Aſſeſſment of the taxable Perſons of the ſaid ſeveral Counties. Any former Law, Act, Uſage or Cuſtom to the Contrary in any wiſe notwithſtanding.'

To enlarge upon this Law is at preſent neither my Purpoſe nor Buſineſs; for as the Freeholder himſelf wittily obſerves, He is the Plaintiff and the Magiſtrates the Defendants, wherefore I ſhall now make no other Obſervation on that Head, than that this is the only Act by which the County-Courts are impowered to tax the People on any Occaſion or for any Purpoſe whatever. And as the Words of the Law are general, and conſequently imply a diſcretionary Power, it ſhould ſeem the Duty of thoſe who think themſelves qualified to make Diſtinctions without Differences, to ſhew, that under this general Power Bridges are to be built, Ferrys to be kept, the Poor to be maintained, and yet a Court-Houſe not to be repaired, or that the laſt is not as neceſſary a Charge, or more ſo, than any of the former. Whenever an Attempt of this Kind is made, I ſhall be ready and I hope able to refute all ſuch ſhallow Arguments and falſe Reaſoning. In the mean Time, what has already been alledged by the Freeholder in Relation to the Conſtitution of our Mother Country ſhall be anſwered, nor am I diffident of proving, to the Conviction of all Men, my Adverſary as ignorant of that as he ſuppoſed the People of *Maryland* deſtitute of common Senſe, or as they juſtly eſteem him of that and good Manners.

I am, Sir, Thine,

A Native of Maryland.

From the GENTLEMAN'S MAGAZINE for *November*, 1747.

Yarmouth, in *Portſmouth* Harbour.

THO' the Yarmouth without diſpute had as great a ſhare as any ſingle ſhip in the fleet, if not a greater, in the engagement with the French October 14. yet in all the accounts I have ſeen, ſhe is not ſo much as mentioned, as if no ſuch ſhip had been there. It is ſomething ſurprizing, that admiral Hawke ſhould ſee and mention, in his long account, the behaviour of the Lion, Louiſa, Tilbury, and Eagle, and yet could diſcover nothing of the extraordinary Courage and Conduct of capt. Saunders in the Yarmouth, who lay two hours and an half cloſe engaged with the Neptune a 70 gun ſhip, with 700 men, and never quitted her till ſhe ſtruck, although the Monarch, a 74 gun ſhip, who ſtruck to us likewiſe, lay upon our bow for ſome time with another of the enemy's ſhips upon our ſtern. When the Neptune ſtruck, after killing them 100 men, and wounding 140; ſhe was ſo cloſe to us that our men jump'd into her; and notwithſtanding ſo long warm work, and his ſhip much diſabled in Maſts and Rigging, with 22 men killed and 70 wounded, his Courage did not cool here, he could not with patience ſee the French admiral, and the Intrepid a

74 Gun;

74 gun ship getting away and none of our ships after them, nor could he think of preferring his own security, to the Glory and Interest of his Country, but ardently wish'd to go after them, and proposed it to capt. Saumerez in the Nottingham, and capt. Rodney in the Eagle, who were within hale of us, but capt. Saumerez being unfortunately kill'd by the first fire of the enemy, the Nottingham haul'd their Wind and did no more service, and the Eagle, came not nigh enough to do any; so that the Yarmouth had to deal with both of the enemy's ships for some time, till at length they got out of the reach of our guns. I think so much bravery and noble spirit ought not to lie in oblivion. I shall only observe, from the two late battles which we have had with the French, that fighting them close we shall constantly get the better of them; which is confirm'd in the behaviour of the Neptune's men, who all quitted the upper Deck and run below, when the Yarmouth came near her, and that at a distance by the superior skill of their gunners, and the length of their guns, they can always get from us.

Yours, &c.

The Neptune had every Mast and Bowsprit entirely carried away, and both sides filled with cannon shot. The captain of her being killed, the command devolv'd on the Chevalier de Kerterec, Knight of St. Louis, who made a most gallant and obstinate defence. She had 8 officers killed outright, 1 mortally wounded, and when she struck had 8 Feet Water in her hold.

A List of the Kill'd and Wounded on our Side.

In the Kent,	*kill'd* 1	*wounded* 10
Eagle,	16	43
Defiance,	11	42
Portland,	7	12
Nottingham,	13	25
Edinburgh,	6	19
Devonshire,	14	52
Yarmouth,	22	70
Windsor,	8	59
Glouceſter,	6	15
Tilbury,	*No Account.*	
Lyon,	20	79
Monmouth,	18	70
Princeſs Louiſa,	12	62

LONDON.

November 24. Thirty transports are ordered to be victualled with all expedition, to sail to Williamstadt to bring over seven regiments of soldiers.

His royal highness the duke has desired all the officers of the Army to leave off wearing Ruffles; and will himself set the first example.

Last night the Merchants met at the Crown Tavern behind the Royal Exchange, when Mr. Godfrey was chosen Chairman, and a Committee was appointed to draw up an Address to be presented to the Lords of the Admiralty, thanking their Lordships for their prudent Conduct and past Favours, and requesting the Continuance of them. They are to meet again on Tuesday next.

On Monday last a small French Privateer was taken, and sent into Portsmouth.

A courier has passed the Hague, dispatched from London to Petersburgh, whither he carries the ratification of the subsidy treaty concluded with Russia for the 30,000 men for the service of the maritime powers. And after M. de Swart has signed this treaty, in qualification of minister plenipotentiary from the States General, at the court of Petersburgh, they expect to hear of some day being fixed for the march of those troops; which are to consist of 15,000 foot, 10,000 horse, and 5000 Cossacks and Calmucks.

They write from Paris, that the Duke de Penthievere, high admiral of France, who has been some months in Britany, continues there still, in order to finish the arraingements he has been making for the security of that province, particularly along the sea coast: And it is added, that such just measures have already been taken, and the militia have been so well exercised, that they have no dread of any more such enterprizes from England, as have been attempted within these two years past.—If they are not afraid of attempts from England, we have reason to believe that Admiral Hawke has left us no room to be afraid of enterprizes from France, which seem to have been designed by the cantonment of the Irish regiment along the coast.

Extract of a Letter from Jersey, October 26.

"A boat from St. Maloes brings advice, that seven privateers of 30 and 40 guns, sailed from thence the 18th instant, with an intent to cruize in company, and wait for our American traders, &c. And also that two others of 30 guns were to sea in a day or two.

Admiralty-Office, November 23. Capt. Shirley, Commander of his Majesty's ship the Dover, being on a cruize in the Downings, on the 16th instant, at 4 o'clock in the morning, had sail under his lee bow, to which he gave chace, and about came up with her, when she plied the Dover with her chace. At 12 the Dover brought down her main-top which carried with it her fore-top mast, upon which she She is called the Jean Frederic of St. Malo, mounts and carried 200 men. She is a new ship, and this her cruize; had been out but five days, and had taken She is brought into Falmouth.

January 12. The town of Middleburgh in Zealand ready fitted out one privateer, of 38 guns and 270 men, cruize upon the French; and is building two ships more for same purpose, one of which is to mount 38 guns, and ther 40. They are likewise fitting out privateers at Flu and other Places in that Province, but they do not tell us number.

To prevent the Corn from being exported to France, and that Farmer or Landlord may not be detrimented, we that subscriptions will be opened, in most of the cities and in England, to raise money to purchase what can be spared, lodge it in Granaries, till such time as there may be a demand for it, or of less service to the enemy than at pre This Scheme is already begun in the City of Westminster.

Several fine hunting Horses have been lately brought and sent to France, which should be prevented. [*Not go in Flags of Truce*]

The Pope, not content with having contributed a large towards the construction of the new Church at Berlin, has dressed a circular Letter to the Archbishops of his Religion, horting them to follow his Example, and expatiating upon the Benevolence of the House of Brandenburgh, ticularly his present Prussian Majesty, to those of the Communion.

There is advice, that the Alcide, a French privateer, guns and 240 men, was lately lost going into Morlair, and 70 were saved. This ship had a very smart engagement an English Merchantmen, supposed to be captain pion.

We hear that all the first and second rate men of war, fast as possible, be reduced to seventy and eighty gun ships.

We have a very singular piece of News from Aix la Cha which is, that a noble Palace being treated for there siderable Rent, it was apprehended that it must be for the the French Plenipotentiaries, but that it is since believed, it is designed for the habitation of a certain great Prince blood, who finding his Counsels slighted, and his Perso neglected, is inclined to retire thither for the remaining part Life.

Yesterday morning fell down the River to Gravesend, a privateer called the Hawke, esteemed one of the best ships hitherto fitted out: She carries 120 men, and is manded by the brave capt. Wilson, who formerly had Warren Galley privateer, and behaved in the most manner in many engagements, and took several valuable pr

January 19. His majesty's ships in commission, are 2 guns, 4 of 90, 12 of 80, 21 of 70, 28 of 60, 32 of 50, 97 of 40; in all 196. Besides above 30 sloops, frigates,

Upon the exertion of our naval strength, and the (which the French admiral observes crowns all) of some squadrons, the administration have at length gained from their superintendents and censors, the public writers.

'If we did not own the justice of these measures (say *Westminster Journal*), we might be thought guilty of 'perverseness in opposition; not the friends of our country, but 'enemies of Power. It behoves us to mention, with appro 'tion, both the ministers who order, and the commanders 'execute, this scheme of destroying the *French* trade, and 'ening their naval power.——After all the ill that has 'said of the late earl of *Orford*, we must do his memory 'justice to allow, that tho' he suffered our trade to be 'sulted, and at last entered unwillingly into a war, he 'ways careful to keep up the fleet which he did not 'employ. Tho' little was seen, during his long administra 'but fleets of parade; we had the satisfaction to reflect, 'some fleets, in a day of tryal, were ready for service.'

{*For the reſt, See the* SUPPLEMENT.}

SUPPLEMENT to the *Maryland Gazette*, No. 156.

ANNAPOLIS, *April* 20, 1748.

AST Wednesday a Pilot-Boat belonging to one *Mills* was overset and sunk in *Choptank*, by a sudden Squall of Wind, which Accident one *John Baxter* a Sailor, and another Man, were drowned; *Mills* saved himself by an Oar. The drowned Sons, on raising the Vessel, were found holding by the Boat's Bowsprit.

Since our last arrived here Capt. *Israel Holland*, in 3 Months from *Madeira*; who having lost his Rudder by bad Weather, and being otherwise damaged, was obliged to put into *Bermuda* to refit. He heard there, that *Don Pedro* sail'd from the Havana about 6 Weeks ago, with 14 Sail of Privateers, to cruize on our Coasts. Last Thursday Week, Capt. *Holland* saw a Privateer take a Schooner off our Capes, in Soundings: The next Day he saw an Engagement between the same Privateer and a Ship from *Gibraltar*, which lasted 8 Hours; and having heard and counted 63 Broadsides, he observed the Privateer to sheer off. The Ship which engaged her is since arrived in *James* River, *Virginia*.

Capt. *Leonard*, who is arrived at *New-York*, in a Flag of Truce from *Leoganne*, brings a Confirmation of the taking of *St. Louis*, on the Island of *Hispaniola*, by Admiral *Knowles*; whereof he gives the following Particulars; *viz.*

That only two 70 Gun Ships went in, and engaged the Fort three Glasses; in which Time they laid it almost in Rubbish, and kill'd upwards of 300 Men out of 350, which was all that opposed the Garrison; and that the Inhabitants then set Fire to the Town, to prevent the *English* from getting the Plunder. Capt. *Leonard* adds, that great Numbers of Forces were daily arriving at *Leoganne* from all parts of the Island, expecting that the *English* would either attack them or *Petit Guavis* next; and seemed to be under dismal Apprehensions, and in the greatest Consternation imaginable. 'Tis said the Fort at *Port Louis* mounted upwards of 100 pieces of heavy Cannon.

On Thursday last died over *South* River, in this County, Mr. *Samuel Smith*, who formerly serv'd his County as a Representative, and lately as Sheriff; and was for many Years one of the worthy Magistrates.

Capt. *Spencer*, from *Biddeford*, arrived here yesterday; he has brought Papers to the latter End of *February*; We have not yet had an Opportunity of seeing them; but 'tis said he has brought no very material News, a *Dutch* War not being then actually declared.

Two Ships from *Whitehaven*, whose Names we have not yet learn'd, are arrived in *Choptank*.

If the unknown Author of a Piece just come to Hand, signed The true Freeholder, *had sent two or three Pistoles with his Performance, it might then have been thought* full of good Sense, *and he would see it publish'd.*

ADVERTISEMENTS.

RAN away on the 14th of *April*, from the Ship *St. George*, *James Dobbins* Commander, lying in the North-West Branch of *Patapsco* River, the three following Sailors; *viz.*

Richard Jolly, a tall thin Man, pitted with the Small-Pox.

Richard Kent, a tall likely young Fellow.

Giles Walmer, a fat lusty Fellow.

They carried with them from the same Ship a Convict Servant, named *William Williams*, alias *Broughton*, a full-faced Man, in a Sailor's Dress. It is supposed they stole a Longboat from Capt. *Hamilton* of the *Peggy*, 23 Feet Keel, 8 Feet Beam, with two Masts, two new Sails, and a Jibb; she had a new Stapnel, and a half worn Cable laid Rope to it; her outside and inside upper Works black, from being newly tarr'd. It is thought they intend up the Bay for *Philadelphia*.

Whoever secures them in any Prison, so as they may be had again, shall have Four Pistoles Reward for each, and Four Pistoles for returning the Boat to the Ship, paid either by Mr. *Alexander Lawson* at the *Nottingham* Ironworks, Mr. *Robert Dugan* at *Annapolis*, Dr. *David Ross* at *Bladensburg*, or

JAMES DOBBINS.

To be SOLD,

AT the Subscriber's Store in *Annapolis*, on Wednesday the 11th Day of *May* next, a likely Negro Man, and a Country-born Negro Boy, to the highest Bidder; for current Money. The Sale to be at 4 o'Clock in the Afternoon.

JAMES DICK.

TO BE SOLD,

BY the Subscribers, on Wednesday the 18th Day of *May* next, for ready Sterling Cash, or good Bills of Exchange, a Tract of Land lying at the Head of *South River*, in *Anne-Arundel* County, called *What you will*, containing 375 Acres; and a good Title made to the Purchaser. 1

WILLIAM CHAPMAN, *junior*,
RICHARD BURDUS.

GOLD for Bills of Exchange. Enquire of the Printer. 1

April 9, 1748.

RUN away from the Subscriber, near *Patuxent* Iron Works, an *English* Convict Servant Woman, named *Elizabeth Edwards*, alias *Redding*, alias *Key*; she is about 20 years of Age, full faced, and very much Pock-fretten. She had with her the following Cloaths; *viz.* a Callico Gown; a Red Plad Gown; a Pair of Stays; a Callamanco Coat, with a dark Camblet Border; red Morocco Shoes, with white heels; and a Straw Hat. 1

Whoever secures the said Woman, so as her Master may have her again, shall have Twenty Shillings Reward, besides what the Law allows. (*John Carr.*)

JOHN DAVIS.

RUN away from the Subscriber, living near *Bladensburg*, in *Prince-George's* County, on the 15th of *April*, a Servant Man named *Benjamin Crampton*, of very low Stature, and wears his own brown Hair, says he was born on the Eastern Shore, and pretends to something of Shoemaking: He had with him a light-colour'd Broad Cloth Coat, one Ditto of a darkish Colour, a Linnen Waistcoat, without Sleeves, one white Shirt, one brown Ditto, Leather Breeches, a Pair of Trowsers, white Stockings, turn'd Pumps, and an old Castor Hat. 1

Whoever takes up the said Servant and will bring him to his Master, shall have Three Hundred Pounds of Tobacco, besides what the Law allows; or, if taken at any great Distance, not only the above Reward, but all reasonable Charges. 7/

THOMAS HARRIS.

ALL Persons indebted to the Estate of *John Cheshire*, late of deceas'd, are hereby desired to make Payment of their respective Debts: And all Persons who have any Claims against the said Estate, are desired to bring in their accounts, that they may be adjusted, by 2

MARY CHESHIRE, } Administrators.
STEPHEN WEST, }

TO be SOLD by the Subscribers, Administrators of the late *John Cheshire*, at his Plantation in the Swamp, on *Wednesday* the fourth Day of *May* next, to the Highest Bidder, for Current Money, A Choice Parcel of very likely Country-born Negroes, consisting of Men, Women, and Children; several Horses, Hogs, Cattle and Sheep, some good Feather Beds, Pewter, and other Houshold Furniture; also a Parcel of Plantation Utensils, and many other Things too tedious to mention. The Sale to begin at Ten o'Clock. 2

MARY CHESHIRE,
STEPHEN WEST.

Kent County, Chester Town, April 6. 1748.

FIVE PISTOLES REWARD.

RUN away from the Subscriber, an *Irish* Servant Man, named *Henry* or *Harry O-Neal*, much pitted with the Small Pox, of a pale Complexion, and about 19 Years of Age. He stole a fine dark bay Horse, natural Pacer, switch Tail, shod before, drags one of his hind Hoofs at the Toe, marked on the Buttock with something resembling VT, but join'd together. There went away with him, another *Irish* Servant Man, a Weaver by Trade: 'Tis probable if they part, the latter may have the Horse. 2

Whoever secures the above *Henry*, and said Horse, so that the Subscriber may have them again, shall receive the above Reward for both, or one half for the Man or Horse, if taken separately.

JOHN CONNOR.

LOST between the Head of *Severn* and *Annapolis*, a RAZOR, in a Double Case: It being an old Useful Servant, the Finder sending or bringing it to the Printer, shall be treated with a Bowl of Punch. X

Talbot

Talbot County, *March* 28, 1748.

WHEREAS *Mary Aunt*, the Wife of *William Edmonſton*, hath eloped from her ſaid Huſband. Theſe are to forewarn all Perſons from Dealing or Truſting her for any Sum of Tobacco, Money, or other Commodities, with an Expectation of being paid by me: For I hereby declare, I will pay no Debt of any Nature, contracted by her from this Date. Witneſs my Hand the Day and Year above written.

WILLIAM EDMONSTON.

TO be Sold on board the Ship *Sandwich*, *James Cawley* Commander, lying in the North Weſt Branch of *Patapſco* River, a Parcel of white large-grain Salt, at the following Prices, delivered on board; *viz.* 500 Buſhels together, at 18 *d.* Sterling, or 3 *s.* Currency, per Buſhel; 100 Buſhels, at 20 *d.* Sterling, or 3 *s.* 4 *d.* Currency, per Buſhel; any Quantity leſs than 100, at 2 *s.* Sterling, or 4 *s.* Currency, per Buſhel. Any Perſon inclinable to purchaſe, may apply to the Captain on board the ſaid Ship, or to the Subſcriber in *Baltimore-Town*.

DARBY LUX.

Maryland, ſs. WHEREAS, by Indenture Quadripartite, made *March* the twenty-ninth, one thouſand ſeven hundred forty-ſix, between *Samuel Hyde*, of *London*, of the firſt Part; we the Subſcribers, *William Mauduit*, now of *Prince George's* County, and *Jerningham Bigg*, now of *Baltimore* County, but both then in *London*, on the ſecond Part; *George Plater*, Eſq; *Henry Darnall*, Merchant, *Benjamin Taſker*, Eſq; *Joſiah Middlemore*, *Richard Bennett*, Eſq; *Philip Thomas*, Eſq; and *Henry Maſſey*, all of this Province, of the third Part; and *John Hyde*, Eſq; of the fourth Part; the above mentioned *Samuel Hyde* did aſſign and make over ſundry Plantations, Tracts of Lands, Negroes, Cattle, Stock, Debts, and other Things, unto us, and the aforeſaid *George Plater*, Eſq; *Henry Darnall*, *Benjamin Taſker*, Eſq; *Joſiah Middlemore*, *Richard Bennett*, Eſq; *Philip Thomas*, Eſq; and *Henry Maſſey*, or ſuch of them as ſhould accept the ſame, according to the Conditions mentioned in the aforeſaid Deed, in Truſt for the Benefit of his Creditors in *Maryland*, accepting the ſame.

Notice is hereby given to all thoſe Creditors of the ſaid *Samuel Hyde*, in this Province, who have not ſued for Attachments againſt his Effects, nor taken any legal Ways for recovering their Debts, and will accept of the Conditions of the Deed of Aſſignment, one of which is; That whether the Moneys which may ariſe from the Deed be ſufficient to ſatisfy and diſcharge the Debts due to them, or not, yet the ſame ſhall be accepted by them in full Satisfaction and Diſcharge of their Debts, and not otherwiſe. Another is, That the Coſts and Charges attending the ſeveral Truſts, created by the Deed, ſhall be firſt defrayed. That if they will ſend to us in Writing their Names, River they live on, and Claims; alſo that they have not ſued for Attachments againſt the Eſtate or Effects of the ſaid *Samuel Hyde* here, nor taken any legal Ways for the Recovery of their Debts; and that they do and will accept of the Conditions contain'd in the Deed of Aſſignment, on or before the 30th Day of *May* next enſuing; they ſhall have their Names entered in a Book to be kept for that Purpoſe, in order to their being intitled, in proportion to their juſt Debts, to their Part of what Dividend may hereafter ariſe from the Deed, according to the Tenour thereof, if any Dividend ſhould hereafter happen. And to thoſe Creditors who have ſued out Attachments, or may be ſuing for Attachments, againſt the Effects of the aforeſaid *Samuel Hyde*, if they will ſtrike off their Suits, and ſend in Writing, from under their Hands, that they have deſiſted, and do deſiſt therefrom, and will accept of the Conditions of the aforeſaid Deed of Aſſignment; their ſending in Writing their Names, River they live on, and Claims, to both of us, of their ſo deſiſting, and Willingneſs to accept the Deed, &c. by the Date beforementioned; may have their Names alſo entered with the beforementioned Creditors.

N. B. It is the Opinion of us the Subſcribers, that as to thoſe Creditors whom this Advertiſement may concern, which do not chooſe to comply with the Contents thereof, at or before the aforementioned 30th Day of *May* next enſuing; it will not be in our Powers afterwards to admit them to any Share in the Dividend, if a Dividend ſhould ariſe hereafter from the Deed of Aſſignments.

W. MAUDUIT,
JERN. BIGG.

MR. *Thomas Harriſon*, Merchant, late of Baltimore Co. now gone to *England*, having left with me the Subſcriber, a Power of Attorney, to act for him in his Abſence. Theſe are therefore to deſire all Perſons indebted to the Eſtate of *Thomas Harriſon*, to come immediately and diſcharge their reſpective Debts, which will prevent further Trouble and Charge.

JAMES WALKER.

GOOD *Madiera* Wine, Brandy, and Barrel Port, to be Sold cheap for Ready Money, by *Thomas Williams* in *Annapolis*.

April 1, 1748.

RAN away from the Ship *Rumney and Long*, *Kelſey* Commander, now lying in *Patuxent* River, five Sailors belonging to the ſaid Ship; and took with them a Six Oar Yaul, painted yellow. The principal Fellow of the five is *John Studard*, a ſmall-fix'd Man, thin viſaged, and has for ſeveral Years been Tobacco-droguing in *York* River, *Virginia*, which Way it is ſuppoſed they are gone.

Whoever ſecures the ſaid Sailors, or any of them, ſhall have Five Pounds Reward for each; and a reaſonable Reward for the Boat.

KENSEY JOHNS.

April 4, 1748.

RUN away from the Subſcriber, on Tueſday the 29th of *March* laſt, a white Servant Man, named *Edward Carter*, a tall Fellow, of a paleiſh Complexion; he is a Country-born clowniſh Fellow, talks dull, and can give but a poor Account of himſelf, if examined. Had on when he went away, an Osnabrigs Shirt, a green Penniſton Waiſtcoat, with blue Buttons, a Pair of Sheep-ſkin Breeches, Country-made Stockings, and Pellone Shoes, half worn; he has a ſpare Shirt with him, of *Iriſh* Holland.

Whoever ſecures the ſaid Servant, and brings him to me, at *Herring-Bay*, ſhall have Twenty Shillings Reward, beſides what the Law allows, and all reaſonable Charges.

SAMUEL CARR.

To be SOLD,

BY the Subſcribers, Executors of *Thomas Hyde* late of *Queen Anne's* County, deceaſed, on Tueſday the 26th Day of *April* next, at the Houſe of *Nathan Samuel Abbott Wright*, ſundry Houſhold Goods, Negroes, Horſes, Cattle, and Sheep, for ready Money.

Alſo ſeveral Tracts of valuable Land lying in the County aforeſaid, for ready Money or Bills of Exchange.

Any Perſon inclining to purchaſe, may know the Terms of Sale by applying to

NATHAN SAMUEL THEBUTT WRIGHT,
THOMAS WRIGHT.

LEFT about the middle of September laſt, at the Houſe of the Subſcriber, in the City of *Annapolis*, a ſmall Bundle, marked IWE, the three Letters join'd in one. The Owner proving his Property, and paying the Charge of this Advertiſement, may have it for calling for.

GEORGE STEVART.

March 30, 1748.

RAN away from the Ship *Wiſtbolſea*, *Thomas Cowley* Commander, now lying in *Severn* River, the two following Sailors; *viz.*

Daniel Titley, a ſhort well-ſet Man, pock-fretten, wears his own ſhort Hair, and generally a red Waiſtcoat.

Alexander Henderſon, a tall Man, of a ſwarthy Complexion, aged about 27 Years.

Whoever ſecures them, or either of them, and will give Notice thereof to the ſaid Commander, ſhall have Five Pounds Reward for each.

THOMAS O'BRIEN.

Annapolis, *February* 3, 1748.

THE Subſcriber, at the Sign of the *Indian King*, in *Annapolis*, intending to reſign the Buſineſs of Ordinary-keeping to *John Runſberg*, at next *Auguſt* Court; hereby deſires all perſons indebted to her, to come and pay off their reſpective Debts, by the laſt of this Month, as they may expect to be ſued for the ſame, &c.

MARY FRAZIER.

ANNAPOLIS: Printed by JONAS GREEN, POST-MASTER, at his PRINTING-OFFICE in *Charles-Street*; where Advertiſements are taken in, and all Perſons may be ſupplied with this Paper.